THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.16729 of 2005

29-07-2005

Between:

Bathula Pochaiah, S/o Nagaiah, aged 50 years, Occ:Agriculture, R/o Nelki Venkatapur Village, Dandepalli Mandal, Adilabad District.

... PETITONER

AND

1.The Agent to Government (Project Officer), ITDA, Utnoor, Adilabad District and others

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.16729 of 2005

ORDER:

This writ petition is filed aggrieved by the inaction of the first respondent in passing orders on the stay petition pending disposal of the appeal filed by the petitioner against the order of the second respondent.

According to the petitioner, he is the owner and possessor of land to an extent of Ac.1.38 gts situated in Survey No.242 of Nelkivenkatapur village, Dandepally Mandal, Adilabad District. It is stated that the second respondent initiated proceedings under the A.P. Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulations') alleging that the petitioner has contravened the provisions of the Regulations and was in possession of the above mentioned land though the petitioner is a non-tribal. The second respondent, after conducting enquiry, held that the possession of the petitioner is in contravention of the Regulations and accordingly passed an order of ejectment from the suit schedule land. Aggrieved by the same, the petitioner filed an appeal before the first respondent and sought for an interim order, pending disposal of the appeal. However, it is stated that no orders have been passed. Hence, the petitioner sought for appropriate orders protecting his possession.

At the time of hearing, the learned Government Pleader for Social Welfare, however, contended that the petition, which was filed before the first respondent, is for re-delivery of possession of the land, but not to protect the petitioner's possession. Therefore, the petitioner is not entitled for interim relief of protecting his possession.

However, the claim of the learned Government Pleader is disputed by the learned counsel for the petitioner stating that the said relief to deliver back the possession of the land was inadvertently mentioned in the petition filed before the first respondent and in fact the petitioner is in possession of the land. Therefore, the learned counsel sought for appropriate orders.

Heard both sides and considered the material on record.

In view of the above controversy, the first respondent is directed to dispose of the appeal filed by the petitioner expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order. It is made clear that till the appeal is disposed of by the first respondent, *status quo* as on today with reference to the possession shall be maintained.

The writ petition is accordingly disposed of. No costs.

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29.07.2005

Note: Issue CC in three days.

(b/o)

VGB